

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

V.

CIVIL ACTION NO. 1:13-CV-332LG-JMR

\$10,860.00 IN U.S. CURRENCY

DEFENDANT
PROPERTY

DEFAULT JUDGMENT OF FORFEITURE

Before this Court is Plaintiff United States of America's Motion for Default Judgment of Forfeiture [Ct. Doc. No. 10]. Having considered Plaintiff's motion and the relevant statutes and jurisprudence in this matter, this Court finds that the relief the Government seeks in said motion has merit and should be granted. This Court further finds and adjudicates as follows:

1. On August 19, 2013, the Government filed in the above-styled cause a Verified Complaint for Forfeiture *in Rem* [Ct. Doc. No. 1]. The Verified Complaint alleges that the Defendant Property is subject to forfeiture pursuant to Title 21, United States Code, 881(a)(6).

2. On August 20, 2013, the Court issued a Warrant of Arrest *in Rem* [Ct. Doc. No. 3].

3. Beginning on August 22, 2013, the plaintiff published for thirty consecutive days on an official government internet website at www.forfeiture.gov notice of the instant civil asset forfeiture action against the Defendant Property, as evidenced by the Declaration of Publication [Ct. Doc. No. 5] filed in this cause on December 10, 2013.

4. The Government mailed pursuant to Rule G(4)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, U.S.C.S. Admiralty and Maritime Claims R. G(4)(b)(i), direct, written notice of the instant civil asset forfeiture action against the Defendant Property, including copies of the Verified Complaint for Forfeiture *in*

Rem, Application for Warrant of Arrest *in Rem*, Warrant of Arrest *in Rem*, and Notice of Complaint for Forfeiture, to all potential claimants reasonably known to the Government, as evidenced by the Government's Proof of Service [Ct. Doc. No. 6], filed with this Court on December 10, 2013.

5. The aforementioned publication and direct notices informed Avis Budget Car Rental, LLC, Derrick Shandell Johnson, and all other persons or entities, known or unknown, having or claiming an interest in the Defendant Property that the Defendant Property had been arrested and that this instant civil forfeiture action was pending. The publication and direct notice also informed said persons and entities that any persons or entities having or claiming an interest in the Defendant Property had at least thirty-five (35) days after the plaintiff mailed its written, direct notice, or sixty (60) days after the first publication of notice on an official government website, to file a claim and twenty (20) days after filing such claim to file an answer. Furthermore, the notice referred any such persons or entities to Rule G(5) of Supplemental Rules of Admiralty and Maritime Claims and Asset Forfeiture Actions, and warned that if this Supplemental Rule was not strictly followed, the Court could strike any claim and answer and enter default judgment of forfeiture or summary judgment against any improperly claimed interest in the Defendant Property.

6. As of this date, December 11, 2013, no claims, answers, or appearances in this cause to assert an interest in the Defendant Property, or to otherwise defend against this instant forfeiture action, have been filed by Avis Budget Car Rental, LLC, Derrick Shandell Johnson, or any other person or entity. Thus, the time for Avis Budget Car Rental, LLC, Derrick Shandell Johnson, or any other person or entity, to file a valid claim or answer in this action has lapsed pursuant to Supplemental Rule G.

7. The time for filing a valid claim and answer in this action has lapsed pursuant to Supplemental Rule G, U.S.C.S. Admiralty and Maritime Claims R. G. As such, Avis Budget Car Rental, LLC, Derrick Shandell Johnson, and all other possible claimants are in total default; the Clerk of Court's December 10, 2013 Entry of Default [Ct. Doc. No. 9] was proper; and the Government is entitled to a default judgment of forfeiture against the full interests of Avis Budget Car Rental, LLC, Derrick Shandell Johnson, and all other persons and entities in the Defendant Property, all without the necessity of further notice to Avis Budget Car Rental, LLC, Derrick Shandell Johnson, or any other person or entity.

IT IS, THEREFORE, ORDERED AND ADJUDGED AS FOLLOWS:

a. The United States of America is hereby given a default judgment of forfeiture against the full interests of Avis Budget Car Rental, LLC, Derrick Shandell Johnson, and all other persons and entities in the Defendant Property described below:

\$10,860.00 in U.S. Currency

b. Any administrative claims or interests therein of any entities or persons, including Avis Budget Car Rental, LLC, Derrick Shandell Johnson, and any other possible claimant are hereby canceled;

c. The Defendant Property is referred to the custody of United States Drug Enforcement Administration for disposition in accordance with the relevant law and regulations.

SO ORDERED AND ADJUDGED, this 13th day of December, 2013.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.

CHIEF UNITED STATES DISTRICT JUDGE